

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO.

CEASE AND DESIST ORDER  
REQUIRING  
MA-RU HOLDING COMPANY, INC.

BONZI SANITATION LANDFILL, INC. PARTNERSHIP  
BONZI SANITATION LANDFILL  
STANISLAUS COUNTY

TO CEASE AND DESIST  
FROM DISCHARGING CONTRARY TO REQUIREMENTS

The Regional Water Quality Control Board, Central Valley Region (hereafter referred to as “Regional Board”) finds that:

1. Waste Discharge Requirements (WDRs) Order No 98-093, adopted by the Regional Board on 17 April 1998, prescribes requirements for the Ma-Ru Holding Company, Inc. as owner and the Bonzi Sanitation Landfill Inc. Partnership as operator, (hereafter jointly referred to as “Discharger”) of the Bonzi Sanitation Landfill facility. The WDRs incorporate by reference the August 1997 Standard Provisions and Reporting Requirements for Waste Discharge Requirements for Discharges Regulated by Title 27 and/or Part 258 (Standard Provisions).
2. Due to the detection of volatile organic compounds (VOCs) and elevated inorganic constituents of concern, the Regional Board adopted Cleanup and Abatement (C&A) Order No. 89-185 on 22 September 1989. The C&A Order prescribed conditions for additional site assessment and construction and for operation of a groundwater remediation system.
3. The Discharger’s landfill is on a 128-acre parcel and is comprised of Assessor’s Parcel Numbers 17-41-36 and 17-41-11, which are three miles southwest of Modesto near the Tuolumne River in Section 12, T4S, R4E, MDB&M.
4. The facility includes four waste management units (WMUs) as described below:
  - **WMU I** is a 35 acre class III landfill closed pursuant to California Code of Regulations (CCR) Title 27, Division 2, Subdivision 1 (hereafter Title 27). WMU I has been capped with a two-foot thick foundation layer, a 30-mil PVC flexible membrane and an 18-inch vegetative layer. Approximately two million cubic yards of municipal refuse, agricultural wastes, industrial wastes and construction debris were landfilled from 1967 to 1978. WMU I was constructed without a bottom liner or a leachate collection and recovery system (LCRS).
  - **WMU II** is a class III waste management unit that covers 18 acres in the central eastern area of the facility. Wastes were accepted from 1978 to 1984. Approximately 750,000 cubic yards of

municipal refuse, agricultural wastes, industrial wastes and construction wastes were landfilled. This landfill has reached capacity and is now covered with intermediate cover. There is no bottom liner or LCRS. No Final Closure plan has been submitted for this unit.

- **WMU III-A, III-B, and III-C** are class III waste management units covering about 11 acres in the central southern portion of the facility. Approximately 250,000 cubic yards of agricultural waste, industrial waste, and construction wastes were accepted from 1984 to March 1992. The landfill is currently being covered with intermediate daily cover. There is no bottom liner or LCRS. No Final Closure plan has been submitted for these units.
- **WMU III-D, WMU III-E, and WMU III-F** are three “unclassified” waste management units. The WDRs allowed only inert wastes, as defined in Section 20230 of Title 27, to be discharged to these units. These units have reached capacity and are now covered with intermediate cover. There is no bottom liner or LCRS. No Final Closure plan has been submitted for these units.
- **WMU IV** is an active inert waste management unit covering 20 acres in the northeastern portion of the facility and resides in a soil borrow pit that was created during construction of the other units. The WDRs allow only inert waste (as defined in Section 20230 of CCR Title 27) to be discharged to this unit. The waste is currently being covered with daily cover. The unit has no bottom liner or LCRS.

### **Groundwater Remedial System**

5. On 1 October 1984, the Discharger submitted a report titled *Groundwater Study, Bonzi Landfill*. This report disclosed that in the winters of 1981-1982 and 1982-1983 the groundwaters rose and percolated through the landfilled refuse, and that the groundwater beneath the site had been polluted with VOCs, metals and total dissolved solids. Cease and Desist Order No. 84-153 was adopted on 28 November 1984, directing the Discharger to evaluate the extent of the plume. As a result of the Order, the following reports were prepared:
  - (a) Site Investigation Report, Bonzi Sanitary Landfill, dated 8 May 1987
  - (b) Design Reports/Operation and Closure Plans, dated 16 April 1987
  - (c) Feasibility Study, Bonzi Sanitary Landfill, dated 1 July 1987
  - (d) Soil Gas Tube Investigation, dated June 1989

The data in the above reports document that in 1989, ten groundwater-monitoring wells and three leachate monitoring-wells were contaminated by VOCs. The Board subsequently adopted C&A Order No. 89-185 and rescinded Cease and Desist Order No. 84-153. C&A Order No. 89-185 required the Discharger to implement groundwater remediation, and provide drinking water for downgradient municipal water well users.

6. Since the adoption of C&A Order No. 89-185, the Discharger has installed the required remediation system, yet monitoring data has consistently shown that the system is not adequately functioning. In October 1998, the Discharger submitted an "Evaluation of Corrective Action Program Performance and Effectiveness" report in response to VOCs being detected in the downgradient and off-site VFW Hall's domestic well. The report stated *"since the basis of the treatment system design is develop a capture zone that will intercept and extract contaminated groundwater, continuous operation of the system is an integral factor in the overall effectiveness of the treatment program. Unless the system is operated continuously to sustain the required capture zone, the efficiency and ability of the system to control the migration is severely limited."* However, as observed by Board staff during several inspections and noted in correspondence since 1989, the system has not continuously operated. On 3 March 2005, staff was informed by the owner that the groundwater extraction system has not been operating for over a year, and that it was only turned on to collect samples for reporting purposes.
7. The Discharger is aware of the system failures and was notified of the extraction system problems by the Regional Board on numerous occasions. On 16 October 2003, a Notice of Violation (NOV) requested that the Discharger submit a revised engineering feasibility plan describing how the system would be modified such that it would comply with the corrective action program requirements of Section 20430(j) of Title 27 (i.e. that a sufficient groundwater depression will be maintained to capture the groundwater plume). This report was due by 30 November 2003. The Discharger has neither submitted the report nor has acknowledged the violation in the subsequent monitoring reports as required by the Standard Provisions, a component of WDRs Order No. 98-093. In addition, the Discharger has failed to implement the treatment system Operations and Maintenance Manual notification process, which states that the Regional Board would be notified in writing of a system shutdown. The Regional Board has not received any notifications of any system shut-down.
8. The data submitted by the Discharger supports that the remedial system has not been operating. During the fourth quarter 2004 groundwater-sampling event, VOCs were detected in nineteen monitoring wells. Eleven of those wells are downgradient and/or adjacent to one of the three non-operating groundwater extraction wells. The monitoring data indicates that an ongoing release is occurring. The October 1998 corrective action program analysis reported that the site hydraulic conductivity varies from 145 to 460 feet per day. With the continued detection of VOCs downgradient of the extraction system, the highly conductive aquifer material, and the Discharger's failure to operate the system, the groundwater plume likely has expanded since the original offsite investigation. Consequently, the system's original design may be inadequate to capture and remediate the current plume.

## **VIOLATIONS OF THE WASTE DISCHARGE REQUIREMENTS**

### **Groundwater Monitoring Program**

9. The Standard Provisions, Sampling and Analytical Methods, Provision No. 3 states: *“The methods of analysis and the detection limits used must be appropriate for the expected concentrations....”*
10. The Monitoring and Reporting Program of the WDRs require compliance with Section 20415 of Title 27. Section 20415(e)(4) states: *“The water quality monitoring program shall include consistent sampling and analytical procedures that are designed to ensure that monitoring results provide a reliable indication of water quality at all Monitoring Points and Background Monitoring Points.”*
11. The Discharger and its consultant have been unable to certify that the Quality Assurance/Quality Control (QA/QC) review for data and information submitted under WDRs Order No. 98-093 meet the standards of Section 20415 of Title 27. On 14 September 2004, a NOV was issued concerning the Discharger’s laboratory protocols. Even after staff identified the deficiency in the NOV, the Discharger submitted its 2004 Annual Monitoring Report with invalid results. The Federal EPA mandated 5-year Appendix II Constituents of Concern laboratory analysis were not conducted at the required minimum detection limits. At this time, the monitoring program is not in compliance with WDRs Order No. 98-093, Section 20415(e)(4) of CCR Title 27, or Section 258 of the Code of Federal Regulations Title 40 Subtitle D.

### **Post Closure Maintenance of Waste Management Unit I**

12. Waste Management Unit I closure began in December 1997. Construction of the foundation layer was completed in April 1998. Following acceptance of the foundation layer by the CQA officer, deployment of the geomembrane layer started in May 1998 and was completed in July 1998. Placement of the vegetative soil cover layer and final drainage channel installation was conducted concurrently with the geomembrane installation and was completed in October 1998. Hydro seeding was completed in January 1999. On page 32 of the “Bonzi Sanitation Landfill June 1996 WMU I Post Closure Maintenance Plan”, the Discharger described specific maintenance procedures for maintaining the final cover’s performance, including: “correcting differential settlement effects along drainage ways to provide proper runoff and run-on control” and “removing blockages from drainage ditches”.
13. Discharge Specification B.12 of WDRs Order No. 98-093 states: *“Closed landfill units shall be graded to at least a three percent (3%) grade and maintained to prevent ponding.”*
14. Provision C.15 of WDRs Order No. 98-093 states: *“The Discharger shall comply with all applicable provisions of Title 27 that are not specifically referred to in this Order.”*

15. Section 21090(c)(1) of CCR Title 27 states: *“Throughout the post closure maintenance period, the discharger shall maintain the structural integrity and effectiveness of all containment structures, and maintain the final cover as necessary to correct the effects of settlement or other adverse factors.”*
16. On 16 October 2003, a NOV was sent to the Discharger stating that the cover on WMU I no longer met the performance standards of Title 27. The NOV specifically stated that runoff ditches were clogged with vegetation and the unit’s hummocky surface is an indication that significant settling has occurred. The Discharger was asked to submit certification by a Registered Professional Engineer that the current final cover integrity complies with Section 21090 of Title 27. The Discharger has failed to submit the requested information or to acknowledge the violation in the subsequent monitoring reports as required by the Standard Provisions of WDRs No. 98-093.
17. Discharge Specification B.9 of WDRs Order No. 98-093 states: *“The closed landfill shall be provided with at least two permanent monuments, installed by a licensed land surveyor, from which the location and elevation of all wastes, containment structures, and monitoring facilities can be determined throughout the post-closure maintenance period.”*
18. Section 20950(a)(2)(A)(1) of CCR Title 27 states: *“For landfills and for waste piles and surface impoundments closed as landfills, the goal of closure, including but not limited to the installation of a final cover, is to minimize the infiltration of water into the waste, thereby minimizing the production of leachate and gas. For such Units, after closure, the final cover constitutes the Unit’s principal waste containment feature.”*
19. Section 20365(d) of CCR Title 27 states: *“Collection and holding facilities associated with precipitation and drainage control systems shall be emptied immediately following each storm or otherwise managed to maintain the design capacity of the system.”*
20. During a site inspection on 3 March 2005, staff observed significant ponding and settlement on the upper surface of WMU I. Staff asked the Discharger to locate the two surveyed monuments required by the WDRs.. The Discharger could not locate them and therefore it appears that the monuments were either destroyed or were never installed. Furthermore, the runoff/run-on ditches were still choked with vegetation. At this time the condition of the WMU I final cover does not comply with WDRs Order No. 89-093 nor with Section 20950(a)(2)(A)(1) of CCR Title 27. No improvements have been made since issuance of the 16 October 2003 NOV.

### **Waste Management Units II and III**

21. Section 21090(b)(1)(D) of CCR Title 27 states: *“The RWQCB has approved, as part of the final closure plan, a waiting period (for installation of the final cover) not to exceed five years after the date a portion of the landfill reaches final elevation, in order to avoid subjecting the final cover to potential damage from the high rate of differential settlement that so often occurs during the first few years following the final receipt of waste. To the extent feasible, based on site-specific factors, the complete closure, including final grading and installation of the final cover, for each portion of the landfill shall be implemented as soon as possible after that portion reaches final elevation.”*
22. Section 21110(a) of CCR Title 27 states: *“Within thirty (30) days of receipt of the final shipment of waste to a discrete unit or if the entire disposal site has reached permitted capacity, the operator shall begin implementation of the closure schedule as specified in the approved closure plan.”*
23. Section 21110(b)(1) of CCR Title 27 states: *“If a solid waste landfill that has remaining permitted capacity is inactive for 12 consecutive months, the operator shall begin closure activities in accordance with the time frames specified in the closure plan unless granted an extension pursuant to (b)(3).”*
24. WMUs II, III-A, III-B, and III-C are class III landfill units and WMU III-D, WMU III-E, and WMU III-F are unclassified landfill units with no documented discharge over the last 12 months. The Discharger informed staff that the last waste discharged to these units occurred in January 1999. The Discharger originally proposed to close WMU II, III and IV as one unit, however staff informed that Discharger that this does not comply with Section 21090(b)(1)(D) of CCR Title 27. The Discharger has not initiated any closure activities at these waste management units and is therefore in violation of its WDRs and CCR Title 27. Based on Regional Board records, no extension has been granted by the California Integrated Waste Management Board under Section 21110(b)(3) of Title 27.

### **Waste Management Unit IV**

25. Waste Management Unit IV is an active inert waste landfill covering 20 acres in the northeastern section of the facility. Waste is placed in a low-lying area that was created by over-excavation. The Discharger is placing inert waste into WMU IV to raise the foundation of the unit five-feet above the expected high groundwater elevation. When the waste level reaches this elevation, this area will be converted into a Class III landfill. Sections 20240(a) and (b) of CCR Title 27 describes the siting requirements of a new waste management unit, as well as the standards for the unit foundation. The current waste is not an engineered homogenous material and does not meet the foundation requirements of Title 27.

26. Discharge Specification No. 6 of WDRs Order No. 98-093 specifically identifies the allowable inert wastes for WMU IV as: *“...concrete, clean earth, rock, cured asphalt, mortar, tile, stucco, brick, glass, and porcelain fixtures such as sinks, toilets and tubs shall be discharged to areas below the highest anticipated groundwater elevation. The Discharger shall verify the age of the asphalt, composition, composition shingles, and mortar to be more than 10 years old. No additional excavation of unclassified WMU cells shall occur below the highest anticipated groundwater elevation.”*
27. On 3 March 2005 and 1 April 2005, staff observed large amounts of paper, cardboard, significant amounts of plastic, furniture cushions, and carpet material being discharged to WMU IV. This discharge of non-permitted waste is a violation of WDRs No. 98-093.
28. Finding No. 20 of WDRs Order No. 98-093 states: *“Inert waste intake is about 2000 tons per month and continues to be relatively stable from historic calculations. At this rate and an assumed waste to soil cover ration of 4:1, WMU IV has about 426,000 cubic-yard capacity and is anticipated to be filled by February 2006.”*
29. Section 21780(c)(3) of CCR Title 27 states: *“Final closure and postclosure maintenance plans for solid waste landfills shall be submitted two years prior to the anticipated date of closure. Within five years of the anticipated date of closure, the operator may submit the final closure and postclosure maintenance plans in lieu of submitting new or updated preliminary closure and postclosure maintenance plans.”*
30. Waste Management Unit IV is within one year of the projected filled capacity as presented in the WDRs. No closure or post closure maintenance plans have been submitted as required by Section 21780(c)(3) of CCR Title 27.

### **REGULATORY CONSIDERATIONS**

31. As a result of the events and activities described in this Order, the Regional Board finds that the Discharger has caused or permitted waste to be discharged in such a manner that it has created, and continues to threaten to create, a condition of pollution or nuisance. The Regional Board also finds that the Discharger has discharged, and has the potential to continue to discharge, waste in violation of WDRs Order No. 98-093 and C&A Order No. 89-185.
32. The Regional Board's Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) designates beneficial uses, includes water quality objectives to protect the beneficial uses, and includes implementation plans to implement the water quality objectives.

33. Surface water runoff from this site is to the Tuolumne River, in the stretch between New Don Pedro Dam and the San Joaquin River.. The beneficial uses of the Tuolumne River are municipal and domestic supply; , agricultural supply; water contact recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; migration of aquatic organisms; spawning, reproduction and/or early development; and wildlife habitat.
34. The beneficial uses of groundwater are domestic, municipal, agricultural and industrial supply.
35. Section 22140 (a) and (b) of CCR Title 27 states:
- (a) If the RWQCB finds that early closure of a waste management unit (Unit) is necessary to prevent (or curtail) violation of waste discharge requirements [e.g., as a source control measure in corrective action, under Section 20430(c)], it shall adopt a Cease and Desist Order, pursuant to Section 13302 of the Water Code, which requires closure according to a closure and post closure maintenance plan approved by the RWQCB.
  - (b) Any time a Unit is subjected to early closure, under (a), the discharger shall, in accordance with a schedule of compliance issued by the RWQCB, submit to the RWQCB a report including an appropriate closure and post closure maintenance plan (under Section 21769), if such a plan applicable to the early-closed configuration of the Unit was not submitted with the report of waste discharge and including a revised schedule for immediate termination of operations and closure.
36. CWC Section 13301 provides that:
- When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action.
37. CWC Section 13267(b) provides that:
- In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.



38. The technical reports required by this Order are necessary to assure compliance with this Order and the waste discharge requirements, and to protect the waters of the state. Existing data and information about the site indicates that waste has been discharged or may continue to be discharged at the property, which is currently owned and operated by the discharger named in this Order.
39. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2) of CCR Title 14. This Order specifically addresses remedial actions necessary to cease and desist the effects of material being discharged to waters of the State.
40. Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Sections 2050-2068 of CCR Title 23. The State Board must receive the petition within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at <http://www.waterboards.ca.gov/centralvalley> or will be provided upon request.

**IT IS HEREBY ORDERED THAT**, pursuant to Sections 13267 and 13301 of the California Water Code, Ma-Ru Holding Company Inc., the Bonzi Sanitation Landfill, Inc. Partnership, and the Bonzi Sanitation Landfill, their agents, successors, and assigns, shall comply with the following measures to ensure long-term compliance with Waste Discharge Requirements Order No. 98-093, Cleanup and Abatement Order No. 89-185, the California Water Code, and California Code of Regulations Title 27.

Any person signing a document submitted under this Order shall make the following certification:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

#### **Corrective Action – Groundwater Degradation and Monitoring**

1. By **6 May 2005**, the Discharger shall continuously operate the existing groundwater and landfill gas extraction systems. During the initial start up the Discharger shall follow the reporting requirements outlined in Item 11 below.
2. By **31 May 2005**, the Discharger shall submit a report certifying that the groundwater detection monitoring system meets the requirements in Section 20385, Section 20415(b)(1)(B), Section 20415(e) and Section 20420 of CCR Title 27.

3. **By 31 May 2005**, the Discharger shall submit a report certifying that all monitoring points identified in WDRs Order No. 98-093 meet the standards in Section 20415(b)(4) of CCR Title 27.
4. **By 31 May 2005**, the Discharger shall submit a plan for defining the nature and extent of the release from the facility. This assessment shall include a determination of the spatial distribution and concentration of each constituent of concern throughout all zones (both vertically and horizontally) affected by the release. Upon approval by the Executive Officer, the discharger shall implement the plan within 15 days.
5. **By 15 June 2005**, the Discharger shall resubmit the 2004 annual monitoring report, which includes the appendix II constituents of concern required by Section 258 of the Code of Federal Regulations Title 40 Subtitle D analyzed at the appropriate detection limits.
6. **By 1 July 2005**, the Discharger shall submit a report certifying that the groundwater evaluation monitoring system meets the requirements in Section 20385, Section 20415(b)(1)(C), Section 20415(e) and Section 20425 of CCR Title 27.
7. **By 31 July 2005**, the Discharger shall submit a revised engineering feasibility study in the form of a Report of Waste Discharge in compliance with Section 20425(d) that describes actions necessary to begin a corrective action program. The objective of the program must comply with Section 20430(b) of CCR Title 27, which states: *The discharger shall take corrective action to achieve the following goals: to remediate releases from the Unit; to ensure that the discharger achieves compliance with the Water Standard adopted under Section 20390 for that Unit.*
8. **By 31 July 2005**, the Discharger shall provide financial assurance for all corrective action measures as required by Title 27 California Code of Regulations, Division 2, Chapter 6. Furthermore, the Discharger shall conduct an annual review of the financial assurance for initiating and completing corrective action, and submit a report for Executive Officer review and approval. This review shall be submitted on **30<sup>th</sup> of April** of each calendar year. The assurances of financial responsibility shall name the Regional Board as beneficiary and shall provide that funds for corrective action shall be available to the Regional Board upon the issuance of any order under California Water Code, Division 7, Chapter 5. The Discharger shall adjust the cost annually to account for inflation and any changes in facility design, construction, or operation.
9. **By 1 August 2005**, the Discharger shall have a complete and operational corrective action remediation and monitoring system capable of capturing all contaminants from passing the point of compliance, as well as removing VOCs, metals and other constituents of concern from the wells affected by the release from the facility. This system shall operate continuously until all constituents of concern have achieved their water quality protection standard at the point of compliance.
10. **By 1 August 2005**, the Discharger shall maintain a corrective action monitoring system, in compliance with Section 20415(b)(1)(D) of CCR Title 27 and approved by the Executive Officer, to evaluate the continuous operational performance of the corrective action remediation systems.

11. On **the first day of each month (beginning with the month of June 2005)**, the Discharger shall submit a progress report on the status of the corrective action measures during the previous month. The report shall include: total hours of operation of all remediation systems/per day; an evaluation of the performance of each individual extraction point (both landfill gas and groundwater); the weekly water levels from each groundwater well included in the corrective action-monitoring program; the volume of water discharged from the system; the amount of kilowatts used by both the gas extraction system and the groundwater extraction system; the mass of contaminants removed by the gas extraction system; and the location of discharge of the treated water.

#### **Post Closure Maintenance – WMU I**

12. By **31 July 2005**, the Discharger shall provide financial assurance for post closure maintenance as required by Title 27 California Code of Regulations, Division 2, Chapter 6 for WMU I. The Discharger shall conduct an annual review of the financial assurance for closure and post closure maintenance, and submit a report for Executive Officer review and approval. This review shall be submitted on **30<sup>th</sup> of April** of each calendar year. The assurances of financial responsibility shall provide that funds for closure and post closure maintenance shall name the Regional Board as beneficiary and shall be available to the Regional Board upon the issuance of any order under California Water Code, Division 7, Chapter 5. The Discharger shall adjust the cost annually to account for inflation and any changes in facility design, construction, or operation.
13. By **15 November 2005**, the Discharger shall submit a Final Construction Quality Assurance Report certified by a Licensed California Professional Engineer or a Licensed California Engineering Geologist stating that the final cover has been restored on the closed WMU I and meets the performance standards in Section 20950(a)(2)(A) and Section 21090 of CCR Title 27. This report shall comply with Section 20234 of CCR Title 27.

#### **Waste Management Units II, III & IV**

14. Effective **immediately**, the Discharger shall discontinue taking waste into WMU IV and shall complete the following tasks:
  - By **30 July 2005**, the Discharger shall submit waste characterization report of the waste discharged into this unit and determine what percentage does not meet the Discharge Specification B.6 of WDRs Order No. 89-093.
  - By **1 June 2005**, the Discharger shall submit a soil and groundwater monitoring plan to determine if this unit had a release. At a minimum, samples shall be taken from the bottom of the waste, soil, and leachate.

- By **30 July 2005**, the Discharger shall submit the results from the above investigation. The results shall include an evaluation of the data.

Waste may be again discharged to WMU IV upon submittal of a technical report, and written approval of that report by the Executive Officer. The technical report must contain the results of the above three tasks; a discussion of whether the monitoring evidence indicates current groundwater degradation; whether there is the potential for future groundwater degradation; and the steps the Discharger will take to ensure that wastes discharged to this unit are “inert” as defined in WDRs Order No. 98-093.

15. By **31 July 2005**, the Discharger shall provide financial assurance for corrective action, closure and post closure maintenance as required by Title 27 California Code of Regulations, Division 2, Chapter 6 for Waste Management Units II, III, and IV. The Discharger shall conduct an annual review of the financial assurance for closure and post closure maintenance, and submit a report for Executive Officer review and approval. This review shall be submitted on **30<sup>th</sup> of April** of each calendar year. The assurances of financial responsibility shall provide that funds for closure and post closure maintenance shall name the Regional Board as beneficiary and shall be available to the Regional Board upon the issuance of any order under California Water Code, Division 7, Chapter 5. The Discharger shall adjust the cost annually to account for inflation and any changes in facility design, construction, or operation.
16. By **1 September 2005**, the Discharger shall submit a topographic survey of the intermediate cover thickness in all areas mantling Waste Management Units II, III and IV. In addition, the report should include the calculated slope of the upper surface and an evaluation of the run-on/run-off structures of each unit.
17. By **15 October 2005**, the Discharger shall submit a closure plan for Waste Management Units II and III that complies with CCR Title 27.
18. By **15 October 2005**, the Discharger shall submit a closure plan for Waste Management Unit IV that complies with CCR Title 27.
19. No later than **15 October 2006**, the Discharger shall submit a Final Construction Quality Assurance Report certified by a Licensed California Professional Engineer or a Licensed California Engineering Geologist demonstrating that the final cover installation for WMUs II and III is complete and in compliance with Section 20234(d)(1)(C) CCR Title 27.
20. No later than **15 October 2007**, the Discharger shall submit a Final Construction Quality Assurance Report certified by a Licensed California Professional Engineer or a Licensed California Engineering Geologist demonstrating that the final cover installation for WMU IV is complete and in compliance with Section 20234(d)(1)(C) CCR Title 27.

21. **Beginning 1 August 2005**, and by the first day of the second month following each calendar quarter **(i.e., by 1 February, 1 May, 1 August, and 1 November each year)**, the Discharger shall submit a progress report describing the work completed to date regarding each of the above requirements.

In accordance with California Business and Professions Code Sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain workplans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain a statement of qualifications of the responsible licensed professional(s) as well as the professional's signature and/or stamp of the seal.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on \_\_\_\_\_.

\_\_\_\_\_  
THOMAS R. PINKOS, Executive Officer